

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the sources of funds for the National  
Parks and Public Land Legacy Restoration Fund.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 2d Sess.**

**S. 3422**

To amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Parks and Public Land Legacy Restoration Fund to address the maintenance backlog of the National Park Service, the United States Fish and Wildlife Service, the Bureau of Land Management, the Forest Service, and the Bureau of Indian Education, and to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. ENZI

Viz:

1 Strike section 2 and insert the following:

2 **SEC. 2. NATIONAL PARKS AND PUBLIC LAND LEGACY RES-**  
3 **TORATION FUND.**

4 (a) ESTABLISHMENT.—

5 (1) IN GENERAL.—Subtitle II of title 54,  
6 United States Code, is amended by inserting after  
7 chapter 2003 the following:

1 **“CHAPTER 2004—NATIONAL PARKS AND**  
2 **PUBLIC LAND LEGACY RESTORATION**  
3 **FUND**

“Sec.

“200401. Definitions.

“200402. National Parks and Public Land Legacy Restoration Fund.

4 **“§ 200401. Definitions**

5 “In this chapter:

6 “(1) ASSET.—The term ‘asset’ means any real  
7 property, including any physical structure or group-  
8 ing of structures, landscape, trail, or other tangible  
9 property, that—

10 “(A) has a specific service or function; and

11 “(B) is tracked and managed as a distinct,  
12 identifiable entity by the applicable covered  
13 agency.

14 “(2) COVERED AGENCY.—The term ‘covered  
15 agency’ means—

16 “(A) the Service;

17 “(B) the United States Fish and Wildlife  
18 Service;

19 “(C) the Forest Service;

20 “(D) the Bureau of Land Management;

21 and

22 “(E) the Bureau of Indian Education.

1           “(3) FUND.—The term ‘Fund’ means the Na-  
2           tional Parks and Public Land Legacy Restoration  
3           Fund established by section 200402(a).

4           “(4) PROJECT.—The term ‘project’ means any  
5           activity to reduce or eliminate deferred maintenance  
6           of an asset, which may include resolving directly re-  
7           lated infrastructure deficiencies of the asset that  
8           would not by itself be classified as deferred mainte-  
9           nance.

10   **“§ 200402. National Parks and Public Land Legacy**  
11           **Restoration Fund**

12           “(a) ESTABLISHMENT.—There is established in the  
13           Treasury of the United States a fund to be known as the  
14           ‘National Parks and Public Land Legacy Restoration  
15           Fund’.

16           “(b) DEPOSITS.—

17           “(1) IN GENERAL.—Beginning on the date that  
18           is 30 days after the date of enactment of this sec-  
19           tion, there shall be deposited in the Fund—

20                   “(A) from fees collected under section  
21                   803(e) of the Federal Lands Recreation En-  
22                   hancement Act (16 U.S.C. 6802(e)), \$5 per en-  
23                   trance fee (as defined in section 802 of that Act  
24                   (16 U.S.C. 6801)), adjusted annually for infla-  
25                   tion;

1           “(B) from fees for the America the Beau-  
2           tiful—the National Parks and Federal Rec-  
3           reational Lands Pass collected under subsection  
4           (a) of section 805 of the Federal Lands Recre-  
5           ation Enhancement Act (16 U.S.C. 6804) (ex-  
6           cluding any fees for a discounted pass collected  
7           under subsection (b) of that section), \$20 per  
8           each nondiscounted America the Beautiful—the  
9           National Parks and Federal Recreational Lands  
10          Pass;

11           “(C) from fees collected under subpara-  
12          graph (B)(i)(III) of section 217(h)(3) of the  
13          Immigration and Nationality Act (8 U.S.C.  
14          1187(h)(3)) for use of the electronic system for  
15          travel authorization established under subpara-  
16          graph (A) of that section, \$16 per travel au-  
17          thorization, adjusted annually for inflation; and

18           “(D) from fees collected under section 22.1  
19          of title 22, Code of Federal Regulations, for  
20          visa applications submitted by nonimmigrants  
21          seeking temporary admission to the United  
22          States for businesses or pleasure under section  
23          101(a)(15)(B) of the Immigration and Nation-  
24          ality Act (8 U.S.C. 1101(a)(15)(B)) (commonly

1 referred to as B–1 and B–2 visas), \$25 per ap-  
2 plication, adjusted annually for inflation.

3 “(2) INCREASE IN PARK ENTRANCE FEES AND  
4 THE AMERICA THE BEAUTIFUL—THE NATIONAL  
5 PARKS AND FEDERAL RECREATIONAL LANDS  
6 PASS.—

7 “(A) INCREASE IN PARK ENTRANCE  
8 FEES.—

9 “(i) IN GENERAL.—Not later than 30  
10 days after the date of enactment of this  
11 section, the Secretary shall increase each  
12 entrance fee (as defined in section 802 of  
13 the Federal Lands Recreation Enhance-  
14 ment Act (16 U.S.C. 6801)) established  
15 for a System unit under section 803(e) of  
16 that Act (16 U.S.C. 6802(e)) by \$5.

17 “(ii) ADJUSTMENTS FOR INFLA-  
18 TION.—The Secretary shall annually adjust  
19 the increase in the amount of each en-  
20 trance fee required under clause (i) for in-  
21 flation.

22 “(B) INCREASE IN AMERICA THE BEAU-  
23 TIFUL—THE NATIONAL PARKS AND FEDERAL  
24 RECREATIONAL LANDS PASS.—

1                   “(i) IN GENERAL.—Not later than 30  
2                   days after the date of enactment of this  
3                   section, the Secretary and the Secretary of  
4                   Agriculture, acting jointly (referred to in  
5                   this subparagraph as the ‘Secretaries’),  
6                   shall increase the fee for the America the  
7                   Beautiful—the National Parks and Fed-  
8                   eral Recreational Lands Pass (as estab-  
9                   lished under section 805(a)(5) of the Fed-  
10                  eral Lands Recreation Enhancement Act  
11                  (16 U.S.C. 6804(a)(5)) (excluding any fee  
12                  for a discounted pass made available under  
13                  subsection (b) of that section) by \$20.

14                   “(ii) ADJUSTMENT FOR INFLATION.—  
15                  The Secretaries shall annually adjust the  
16                  increase in the amount of the fee required  
17                  under clause (i) for inflation.

18                  “(c) AVAILABILITY OF FUNDS.—Amounts deposited  
19                  in the Fund shall be available to the Secretary and the  
20                  Secretary of Agriculture, as provided in subsection (e),  
21                  without further appropriation or fiscal year limitation.

22                  “(d) INVESTMENT OF AMOUNTS.—

23                   “(1) IN GENERAL.—The Secretary may request  
24                  the Secretary of the Treasury to invest any portion  
25                  of the Fund that is not, as determined by the Sec-

1       retary, in consultation with the Secretary of Agri-  
2       culture, required to meet the current needs of the  
3       Fund.

4               “(2) REQUIREMENT.—An investment requested  
5       under paragraph (1) shall be made by the Secretary  
6       of the Treasury in a public debt security—

7                       “(A) with a maturity suitable to the needs  
8                       of the Fund, as determined by the Secretary;  
9                       and

10                      “(B) bearing interest at a rate determined  
11                      by the Secretary of the Treasury, taking into  
12                      consideration current market yields on out-  
13                      standing marketable obligations of the United  
14                      States of comparable maturity.

15               “(3) CREDITS TO FUND.—The income on in-  
16       vestments of the Fund under this subsection shall be  
17       credited to, and form a part of, the Fund.

18       “(e) USE OF FUNDS.—

19               “(1) IN GENERAL.—Amounts deposited in the  
20       Fund for each fiscal year shall be used for priority  
21       deferred maintenance projects in the System, in the  
22       National Wildlife Refuge System, on public land ad-  
23       ministered by the Bureau of Land Management, for  
24       the Bureau of Indian Education schools, and in the  
25       National Forest System, as follows:

1           “(A) 70 percent of the amounts deposited  
2 in the Fund for each fiscal year shall be allo-  
3 cated to the Service.

4           “(B) 15 percent of the amounts deposited  
5 in the Fund for each fiscal year shall be allo-  
6 cated to the Forest Service.

7           “(C) 5 percent of the amounts deposited in  
8 the Fund for each fiscal year shall be allocated  
9 to the United States Fish and Wildlife Service.

10           “(D) 5 percent of the amounts deposited in  
11 the Fund for each fiscal year shall be allocated  
12 to the Bureau of Land Management.

13           “(E) 5 percent of the amounts deposited in  
14 the Fund for each fiscal year shall be allocated  
15 to the Bureau of Indian Education.

16           “(2) LIMITATIONS.—

17           “(A) NON-TRANSPORTATION PROJECTS.—  
18 Over the term of the Fund, within each covered  
19 agency, not less than 65 percent of amounts  
20 from the Fund shall be allocated for non-trans-  
21 portation projects.

22           “(B) TRANSPORTATION PROJECTS.—The  
23 amounts remaining in the Fund after the allo-  
24 cations required under subparagraph (A) may  
25 be allocated for transportation projects of the

1 covered agencies, including paved and unpaved  
2 roads, bridges, tunnels, and paved parking  
3 areas.

4 “(C) PLAN.—Any priority deferred mainte-  
5 nance project funded under this section shall be  
6 consistent with an applicable transportation, de-  
7 ferred maintenance, or capital improvement  
8 plan developed by the applicable covered agen-  
9 cy.

10 “(f) PROHIBITED USE OF FUNDS.—No amounts in  
11 the Fund shall be used—

12 “(1) for land acquisition;

13 “(2) to supplant discretionary funding made  
14 available for annually recurring facility operations,  
15 maintenance, and construction needs; or

16 “(3) for bonuses for employees of the Federal  
17 Government that are carrying out this section.

18 “(g) SUBMISSION OF PRIORITY LIST OF PROJECTS  
19 TO CONGRESS.—Not later than 90 days after the date of  
20 enactment of this section, the Secretary and the Secretary  
21 of Agriculture shall submit to the Committees on Energy  
22 and Natural Resources and Appropriations of the Senate  
23 and the Committees on Natural Resources and Appropria-  
24 tions of the House of Representatives a list of projects  
25 to be funded for fiscal year 2021 that—

1           “(1) are identified by the Secretary and the  
2           Secretary of Agriculture as priority deferred mainte-  
3           nance projects; and

4           “(2) as of the date of the submission of the list,  
5           are ready to be implemented.

6           “(h) SUBMISSION OF ANNUAL LIST OF PROJECTS TO  
7           CONGRESS.—The President shall annually submit to Con-  
8           gress, together with the annual budget of the United  
9           States, a list of projects to be funded from the Fund that  
10          includes a detailed description of each project, including  
11          the estimated expenditures from the Fund for the project  
12          for the applicable fiscal year.

13          “(i) ALTERNATE ALLOCATION.—

14                 “(1) IN GENERAL.—Appropriations Acts may  
15                 provide for alternate allocation of amounts made  
16                 available under this section, consistent with the allo-  
17                 cations to covered agencies under subsection (e)(1).

18                 “(2) ALLOCATION BY PRESIDENT.—

19                         “(A) NO ALTERNATE ALLOCATIONS.—If  
20                         Congress has not enacted legislation estab-  
21                         lishing alternate allocations by the date on  
22                         which the Act making full-year appropriations  
23                         for the Department of the Interior, Environ-  
24                         ment, and Related Agencies for the applicable  
25                         fiscal year is enacted into law, amounts made

1 available under subsection (c) shall be allocated  
2 by the President.

3 “(B) INSUFFICIENT ALTERNATE ALLOCA-  
4 TION.—If Congress enacts legislation estab-  
5 lishing alternate allocations for amounts made  
6 available under subsection (c) that are less than  
7 the full amount appropriated under that sub-  
8 section, the difference between the amount ap-  
9 propriated and the alternate allocation shall be  
10 allocated by the President.

11 “(j) PUBLIC DONATIONS.—

12 “(1) IN GENERAL.—The Secretary and the Sec-  
13 retary of Agriculture may accept public cash or in-  
14 kind donations that advance efforts—

15 “(A) to reduce the deferred maintenance  
16 backlog; and

17 “(B) to encourage relevant public-private  
18 partnerships.

19 “(2) CREDITS TO FUND.—Any cash donations  
20 accepted under paragraph (1) shall be—

21 “(A) credited to, and form a part of, the  
22 Fund; and

23 “(B) allocated to the covered agency for  
24 which the donation was made.

1           “(3) OTHER ALLOCATIONS.—Any donations al-  
2           located to a covered agency under paragraph (2)(B)  
3           shall be allocated to the applicable covered agency  
4           independently of the allocations under subsection  
5           (e)(1).

6           “(k) REQUIRED CONSIDERATION FOR ACCESSI-  
7           BILITY.—In expending amounts from the Fund, the Sec-  
8           retary and the Secretary of Agriculture shall incorporate  
9           measures to improve the accessibility of assets and accom-  
10          modate visitors and employees with disabilities in accord-  
11          ance with applicable law.”.

12           (2) CLERICAL AND CONFORMING AMEND-  
13          MENTS.—

14           (A) CLERICAL AMENDMENT.—The table of  
15           chapters for subtitle II of title 54, United  
16           States Code, is amended by inserting after the  
17           item relating to chapter 2003 the following:

“2004. National Parks and Public Land Legacy Restoration Fund ....200401”.

18           (B) CONFORMING AMENDMENT.—Section  
19           805(b)(1)(A)(ii) of the Federal Lands Recre-  
20           ation Enhancement Act (16 U.S.C.  
21           6804(b)(1)(A)(ii)) is amended by inserting be-  
22           fore the period at the end the following: “(ex-  
23           cluding the portion of the cost of the America  
24           the Beautiful—the National Parks and Federal  
25           Recreational Lands Pass that is attributable to

1           the increase under section 200402(b)(2)(B)(i)  
2           of title 54, United States Code)”.  
3

3           (b) INCREASE IN CERTAIN VISA APPLICATION  
4 FEES.—Not later than 30 days after the date of enact-  
5 ment of this Act, the Secretary of State shall amend sec-  
6 tion 22.1 of title 22, Code of Federal Regulations, to in-  
7 crease the application fee for visa applications submitted  
8 by nonimmigrants seeking temporary admission to the  
9 United States for businesses or pleasure under section  
10 101(a)(15)(B) of the Immigration and Nationality Act (8  
11 U.S.C. 1101(a)(15)(B)) (commonly referred to as B–1  
12 and B–2 visas) by \$25 per application, which amount shall  
13 be adjusted annually for inflation.

14           (c) INCREASE IN FEES FOR USE OF THE ELEC-  
15 TRONIC SYSTEM FOR TRAVEL AUTHORIZATION.—Section  
16 217(h)(3)(B) of the Immigration and Nationality Act (8  
17 U.S.C. 1187(h)(3)(B)) is amended—

18           (1) in clause (i)—

19                   (A) in the matter preceding subclause (I),  
20           in the second sentence, by striking “The initial  
21           fee shall be the sum of—” and inserting the fol-  
22           lowing: “Beginning on the date that is 30 days  
23           after the date of enactment of the Great Amer-  
24           ican Outdoors Act, the fee collected under this

1 subparagraph shall be an amount that is equal  
2 to the sum of—”;

3 (B) by striking subclause (I) and inserting  
4 the following:

5 “(I) an amount not to exceed  
6 \$17, as determined by the Secretary,  
7 which shall be for disposition in ac-  
8 cordance with clause (ii)(I);”;

9 (C) in subclause (II), by striking the pe-  
10 riod at the end and inserting “; and”; and

11 (D) by adding at the end the following:

12 “(III) \$16 per travel authoriza-  
13 tion, adjusted annually for inflation,  
14 for disposition in accordance with sec-  
15 tion 200402(b)(1)(C) of title 54,  
16 United States Code.”; and

17 (2) in clause (ii)—

18 (A) in the first sentence, by striking  
19 “Amounts” and inserting the following:

20 “(I) TRAVEL PROMOTION  
21 FUND.—Amounts”; and

22 (B) in subclause (I) (as so designated), in  
23 the second sentence, by striking “Amounts”  
24 and inserting the following:

1                                   “(II) FEES FOR THE SYSTEM.—  
2                                   Amounts”.

3           (d) GAO STUDY.—Not later than 5 years after the  
4 date of enactment of this Act, the Comptroller General  
5 of the United States shall—

6                   (1) conduct a study on the implementation of  
7 this section and the amendments made by this sec-  
8 tion, including whether this section and the amend-  
9 ments made by this section have effectively reduced  
10 the priority deferred maintenance backlog of the cov-  
11 ered agencies (as that term is defined in section  
12 200401 of title 54, United States Code); and

13                   (2) submit to Congress a report that describes  
14 the results of the study under paragraph (1).